

Public Outreach

Minimum Standards for the Design and Construction of Commercial Oilfield Waste Disposal Facilities

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1.0 SUMMARY

The Wyoming Department of Environmental Quality/Water Quality Division (WDEQ/WQD) is conducting public outreach related to the development of Minimum Standards for the Design and Construction of Commercial Oilfield Waste Disposal Facilities. The purpose of this outreach is to obtain public input concerning appropriate permit requirements for commercial oilfield waste disposal facilities (COWDFs).

COWDFs accept oilfield produced wastewater that contains materials that could potentially threaten the Waters of the State if not properly designed, constructed, and operated.

WDEQ/WQD permits COWDFs under WQRR, Chapter 3, Regulations for Permit to Construct, Install or Modify Public Water Supplies, Wastewater Facilities, Disposal Systems, Biosolids Management Facilities, Treated Wastewater Reuse Systems and Other Facilities Capable of Causing or Contributing to Pollution.

COWDFs are also subject to the requirements of Chapter 8, Quality Standards for Wyoming Groundwaters; Chapter 11, Design and Construction Standards for Sewerage Systems, Treatment Works, Disposal Systems or other Facilities Capable of Causing or Contributing to Pollution and Mobile Home Park and Campground Sewerage and Public Water Supply Distribution Systems; and Chapter 14, Financial Assurance Requirements.

WDEQ/WQD has guided permittees through the various requirements established in the above-noted regulations via *GUIDELINES: COMMERCIAL OILFIELD WASTEWATER DISPOSAL FACILITIES (COWDF)*, revised October 2013.

WDEQ/WQD requests that the public review and provide feedback on the topics below as well as provide feedback on any other aspects of COWDF permitting design and construction standards that should be considered.

WDEQ/WQD will consider comments received during the outreach process and may propose the drafting of a new regulation. If approved by the Director, WDEQ/WQD will make any draft or proposed rule available to the public for comment prior to meeting with the Water and Waste Advisory Board (Board). If the Board recommends advancing the proposed rules, the Environmental Quality Council (Council) will consider the proposed changes, along with any additional public comments. Once adopted by the Council, the Governor may approve the revisions or direct modifications. Once signed by the Governor, the rules are filed with the Secretary of State and become effective.

2.0 BACKGROUND

What is a COWDF?

A Commercial Oilfield Waste Disposal Facility (COWDF) is a facility that accepts oilfield produced wastes outside a lease, unit, or communitized area and is authorized to accept exploration and production (E&P) and other non-hazardous wastes identified as exempt from Resource Conservation and Recovery Act (RCRA) Subtitle C and 40 CFR § 261.4(b)(5).

How many facilities are there?

There are currently 34 active COWDF facilities in the State.

What kinds of wastes do COWDFs accept?

Examples of RCRA-exempt oil and gas E & P wastes are:

- Produced water and flowback
- Well completion and stimulation products
- Wastes from production separators
- Gas plant dehydration wastes, and
- Gas plant sweetening wastes

Permit conditions specify when facilities are authorized to accept produced water and/or production wastes. Non-exempt E&P wastes that are considered non-hazardous (as defined in RCRA) may be approved on a case-by-case basis, at the facility's request. When a facility proposes to accept non-exempt E & P wastes, WDEQ/WQD requires a hazardous waste characteristic analysis.

3.0 POTENTIAL CONSIDERATIONS

WDEQ/WQD is considering replacing the design, construction, operation, monitoring, and reporting guidelines with streamlined requirements in a new rule.

3.1 Permit Application Requirements.

Applicants will continue to be required to comply with individual permit application requirements in accordance with existing regulations. WDEQ/WQD plans to replace its *GUIDELINES: COMMERCIAL OILFIELD WASTEWATER DISPOSAL FACILITIES (COWDF)* with streamlined requirements in a rule.

3.2 Minimum Design, Construction, and Operation Standards.

WDEQ/WQD plans to replace the design, construction, and operation standards that are currently contained in *GUIDELINES: COMMERCIAL OILFIELD WASTEWATER DISPOSAL FACILITIES (COWDF)* with streamlined, clarified, and updated standards in a new rule.

WDEQ/WQD is considering adding liner and leak detection requirements similar to those found in WQRR Chapter 20, Permitting, Design, and Operation Standards, Confined Swine Feeding Operations.

3.3 Applicability.

The proposed regulations will apply to new and modified commercial oilfield waste disposal facilities that are not regulated by other agencies of the State of Wyoming.

3.4 Site Suitability.

W.S. § 35-11-306 contains setback distances for COWDF's. WDEQ/WQD is considering adding additional setback distances from perennial streams, similar to those found in WQRR Chapter 20, Permitting, Design, and Operation Standards, Confined Swine Feeding Operations.

3.5 Monitoring and Reporting Requirements.

WDEQ/WQD plans to replace the monitoring and reporting requirements that are currently located in *GUIDELINES: COMMERCIAL OILFIELD WASTEWATER DISPOSAL FACILITIES (COWDF)* with streamlined, clarified, and updated requirements in a new rule.

3.6 Operation and Maintenance Plan.

WDEQ/WQD plans to replace the operation and maintenance plan requirements that are currently located in *GUIDELINES: COMMERCIAL OILFIELD WASTEWATER DISPOSAL FACILITIES (COWDF)* with streamlined, clarified, and updated requirements in a new rule.

3.5 Financial Assurance.

WDEQ/WQD's requirements for financial assurance for COWDFs will continue to be contained in Chapter 14. However, WDEQ/WQD is considering replacing the financial assurance documentation requirements in the guidelines in the new rule in order to ensure consistency among permittees.

3.6 Public Participation.

WDEQ/WQD intends to propose public participation requirements for COWDF-specific facilities, including an opportunity for public review and comment on draft permits.